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Third report of the Secretary-General pursuant to paragraph 4 of Security Council resolution 2107 (2013)

I. Introduction

1. The present report is submitted pursuant to paragraph 4 of Security Council resolution 2107 (2013) and covers developments pertaining to the issues of missing Kuwaiti and third-country nationals and missing Kuwaiti property, including the national archives, since the issuance of my previous report, dated 14 March 2014 (S/2014/191).

2. The reporting period witnessed continuing enhancement of bilateral relations between Iraq and Kuwait. On 17 and 18 March, my Special Representative for Iraq visited Kuwait and met His Highness the Emir, the Emir's Adviser, the Prime Minister, the First Deputy Prime Minister, the Foreign Minister and other senior officials, as well as the National Committee for Missing Persons and Prisoners of War Affairs. Kuwaiti interlocutors highlighted Kuwait-Iraq relations as a very positive development in the region and expressed their wish to see my Special Representative, my Deputy Special Representative and other officials of the United Nations Assistance Mission for Iraq (UNAMI) more frequently in Kuwait to exchange information and ideas on the way forward with regard to the Mission's mandated tasks.

3. In another positive development, the legal obstacles to Kuwait's repossession of its consular premises in Basra are expected to be resolved soon, the current occupant agreeing to move out. The long-held plans for Kuwait to reopen its consulate there are thus set to come to fruition.

II. Recent activities with regard to the repatriation and return of all Kuwaiti and third-country nationals, or their remains

4. With a view to carrying out his responsibilities under resolution 2107 (2013), my Deputy Special Representative for Political Affairs at UNAMI held meetings in Baghdad with relevant Iraqi interlocutors, including Arkan Saleh, Deputy Minister for Human Rights and head of the Iraqi delegation to the Technical Subcommittee of the Tripartite Commission; Ambassador Walid Shiltagh, who heads the Iraqi interministerial committee on missing Kuwaiti property, including the national archives; Patrick Youssef, head of the delegation of the International Committee of the Red Cross in Iraq, and members of the diplomatic corps.

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5. On 17 March, my Special Representative met with the Chairman and members of the National Committee for Missing Persons and Prisoners of War Affairs. The Committee expressed its wish for Iraq to take full ownership of the humanitarian dossier and come up with initiatives to move the dossier forward. The Chairman expressed appreciation for the role of UNAMI, particularly in terms of its outreach to Iraqi government officials, its ability to contact people at local levels and to reach out to those members of the former regime in third countries holding information, and to facilitate new initiatives on the part of Iraq. My Special Representative assured the Committee that UNAMI would do all within its ability to source information from the local level by activating its Governorate Liaison Officers network, which is present in most of the Governorates in Iraq. In addition, UNAMI would assist in raising international awareness and work closely with the Government of Iraq on this humanitarian issue. The Committee also noted that the observer status of UNAMI would be settled during the next meeting of the Tripartite Commission, scheduled for October.

6. On 19 March, my Special Representative met the Prime Minister, Nouri al-Maliki, and debriefed him on his visit to Kuwait. The Prime Minister underlined the missing persons issue as a humanitarian matter, and assured my Special Representative that Iraq would make all resources available in the search for missing Kuwaiti persons and property and the national archives. He also stressed that Iraq had no interest in keeping Kuwaiti documents, much less the national archives, and Iraq stood ready to act on any piece of information for their location and return.

7. On 25 March and 13 May, the Iraqi interministerial committee on missing Kuwaiti nationals convened under the auspices of the Ministry of Human Rights. The committee reviewed progress in acquiring new information on burial sites and reaching out to known witnesses and informants, both within and outside Iraq. My Deputy Special Representative reiterated the availability of the good offices of UNAMI to facilitate Iraqi efforts to reach out to members of the former regime who might possess relevant information but are not in a position to cooperate with the Government of Iraq. He urged the interministerial committee to provide as much information as possible on such potential informants. On 28 May, my Deputy Special Representative put an Iraqi witness in contact with the Ministry of Foreign Affairs with a view to identifying a grave site inside Kuwait. UNAMI is working with the Ministries of Foreign Affairs and Human Rights to take the interview process forward.

8. On 2 June, my Deputy Special Representative facilitated a meeting between Arkan Saleh and Duncan Spinner, head of the Iraqi operations of the International Commission on Missing Persons, an organization with experience in finding human remains in post-conflict settings. UNAMI proposed that the Commission make a comprehensive proposal to build forensic capacity and assist searches using the latest technology, including cost-effective drones and trained sniffer dogs. The Commission is working on a proposal to be presented to the Ministry of Human Rights and for consideration by the Council of Ministers. Earlier in May, the Council of Ministers had turned down a proposal from an overseas archaeologist, routed through the Technical Subcommittee, citing "formidable" costs.

9. At his meetings with both Iraqi and Kuwait interlocutors, my Deputy Special Representative stressed that the use of science and technology and other innovative

but cost-effective methods could be helpful in the search for the missing Kuwaiti and third-country nationals. In response to my Deputy Special Representative's proposal, the Ministry of Foreign Affairs ran advertisements in 13 local daily newspapers starting on 27 May for three days on missing Kuwaiti and third-country nationals and missing Kuwaiti property, including the national archives, with telephone numbers of both the Ministry of Foreign Affairs and the Embassy of Kuwait in Iraq, as well as assurances of anonymity and legal protection.

10. On 9 June, my Deputy Special Representative, during his quarterly visit to Kuwait, met with Khaled al-Jarallah, Under-Secretary for Foreign Affairs; Mohammad Abdullah Abulhasan, Adviser to the Emir; and Jasem al-Mubaraki, head of the Kuwaiti interministerial committee on missing Kuwaiti property, including the national archives, in addition to the Chairman and members of the National Committee for Missing Persons and Prisoners of War Affairs. He also met with Mohammad Bahr al-Uloom, Ambassador of Iraq to Kuwait, as well as the Chargé d'affaires of the Embassy of the United States of America and the Deputy Ambassador of the United Kingdom of Great Britain and Northern Ireland.

11. Kuwaiti officials were highly appreciative of the role of UNAMI in carrying out its mandated tasks under Security Council resolution 2107 (2013), noting the positive steps that UNAMI has taken to facilitate this dossier. The Chairman of the National Committee for Missing Persons and Prisoners of War Affairs called on my Deputy Special Representative to have more frequent meetings with the Committee, requesting the presence of UNAMI on the sidelines of the tripartite mechanism meetings until UNAMI could be formally included in an observer capacity.

12. From 9 to 19 March and from 5 to 15 May, a specialized team of the Ministry of Human Rights dug 337 and 327 trenches, respectively, in the Ain al-Tamur area in the Karbala Governorate. On 18 March, a witness was escorted to the Karbala site and identified 11 new coordinates, as a prelude to the excavation mission to be conducted later. From 14 to 22 June, a specialized team of the Ministries of Human Rights and Defence and the Medico-Legal Institute conducted exploratory and excavation works in Muthanna Governorate, digging 239 trenches. No human remains were found at any of the locations.

III. Recent activities with regard to the return of Kuwaiti property

13. On 8 June, my Deputy Special Representative observed a meeting of the Iraq-Kuwait joint interministerial committee on missing Kuwaiti property, the second of its kind since 15 May 2013. Ambassador Jasem al-Mubaraki and Ambassador Walid Shiltagh led the Kuwaiti and Iraqi delegations respectively.

14. Both sides agreed that they would meet on a biannual basis. My Deputy Special Representative, together with the heads of delegations, observed the official handover of Kuwaiti artefacts and co-signed the inventory of items. The items handed over included a large copper plate with the seal of Kuwait; 26 tape recordings belonging to Radio Kuwait; three paintings with the seal of the Kuwaiti National Museum; and about 4,500 books and publications in both Arabic and English. At their meetings with my Deputy Special Representative, Kuwaiti officials welcomed the return of the artefacts and books, while stressing the pending location and return of their national archives, which they considered to be part of Kuwait's "identity, culture and history". Iraqi officials, meanwhile, reiterated their request for

Kuwait to provide a description of the remaining lost properties to facilitate their location. My Deputy Special Representative underlined the need for Iraq to show results and renewed the commitment of UNAMI to working closely with the Iraqi authorities on this.

IV. Observations

15. I am pleased that the increasing mutual trust and cooperation between Iraq and Kuwait has created an environment conducive to progress on the return of the missing Kuwaiti persons and the national archives.

16. Tens of thousands of Iraqis and more than 300 Kuwaitis and third-country nationals remain unaccounted for from the pre-2003 decades. The issue of the missing is a tragic national issue that transcends international boundaries. Their families have demonstrated unyielding hope that one day the remains of their missing sons, brothers and husbands will be found. It is the duty of the Iraqi authorities, with assistance from the International Committee of the Red Cross and UNAMI, to see that those hopes are realized without any further loss of time. I therefore urge Iraq to take advantage of any available cost-effective modern technology to address this humanitarian issue and strive for concrete results. UNAMI, through my Special Representative and Deputy Special Representative, will continue to provide its full assistance to promote, support and facilitate Iraqi efforts in this regard.

17. The Tripartite Commission and its Technical Subcommittee and the steering role of the International Committee of the Red Cross remain central in addressing the issue of missing Kuwaiti and third-country nationals. My appreciation goes out to the men and women committed to this humanitarian dossier. I am hopeful that UNAMI will be granted observer status in the Tripartite Commission and its Technical Subcommittee at the earliest opportunity to better fulfil its full mandated role.

18. I remain disappointed that no evidence or information has emerged so far that would indicate the whereabouts of Kuwait's national archives. I urge the Iraqi interministerial committee coordinating the search for missing Kuwaiti property, including the national archives, to meet more frequently and to take advantage of the assistance of UNAMI in this matter. I call on the Government of Iraq to undertake ever greater endeavours on this issue.